United Nations A/61/PV.80

General Assembly
Sixty-first session

Official Records

80th plenary meeting
Friday, 15 December 2006, 5.40 p.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

The meeting was called to order at 5.40 p.m.

Agenda item 69 (*continued*)

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Draft resolution (A/61/L.45)

(a) Strengthening of the coordination of emergency humanitarian assistance of the United Nations

Draft resolutions (A/61/L.42, A/61/L.44 and A/61/L.46)

(d) Assistance to the Palestinian people

Draft resolution (A/61/L.47)

The President: Members will recall that the Assembly, at its 79th plenary meeting, held on 14 December 2006, adopted draft resolutions A/61/L.42; A/61/L.44; A/61/L.45, as orally corrected; A/61/L.46 and A/61/L.47, as orally corrected. We shall now hear speakers in explanation of vote or position on the resolutions adopted by the Assembly.

Mr. Cohen (Israel): In past years, and for many years now, Israel has voted in favour of draft resolutions like draft resolution A/61/L.47. Israel supports the principle of assistance to the Palestinian people and implements it on the ground. What Israel cannot support is this year's General Assembly resolution, which ignores major political changes in the region.

Hamas, a terrorist organization whose main goal is the absolute destruction of the State of Israel, heads the Palestinian Authority Government. Hamas has repeated refused to embrace the three conditions of the international community: to recognize Israel, renounce violence and terror, and abide by previous agreements. These basic conditions must be reflected in a draft resolution, and they were not in draft resolution A/61/L.47. Hence, we were forced to alter our voting practice and abstain on that proposed text.

A hungry neighbour is not a good neighbour. It is in Israel's interest to see Palestinian society prosper. Israel is always working on the ground, even while under terror attack, to provide tangible assistance to and cooperate with the Palestinians for their benefit. True, terrorism often makes this extremely difficult. Terrorists target crossing points used as passageways for people and goods, which forces temporary closures and other security measures.

But Israel recognizes the needs of its neighbours and maintains its assistance to the Palestinian people. Let me describe what Israel is doing to bring tangible relief to the Palestinians on the ground. Here is just one example. During the last two weeks of November, over 2,000 transports went into the Gaza Strip from Israel, carrying basic food and medical supplies. At the same time, more than 500 transports left the Gaza Strip; these included goods and agriculture for export. Twelve thousand Palestinian merchants and 17,500 day labourers were allowed into Israel from the West Bank to earn their living. From June to October of this year,

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17,135 transports of goods and food supplies passed into Gaza through the Karni crossing from Israel. Over 106,720 back-to-back truck transfers also occurred.

Israel is working closely with the international community through various organizations to ensure continued assistance. Humanitarian convoys organized by Israel, non-governmental organizations and United Nations agencies enter Gaza from Israel to provide real assistance that goes directly to Palestinians in need of it and not to the system run by the terrorists.

Let me conclude by recalling again what the Secretary-General told the Security Council in his final report on the Middle East two days ago, on 12 December:

> "Some may feel satisfaction at repeatedly passing General Assembly resolutions or holding conferences that condemn Israel's behaviour. But one should also ask whether such steps bring any tangible relief or benefit to the Palestinians." (*S/PV.5584, p. 4*)

Ms. Cullen (Australia): Australia voted in favour of draft resolution A/61/L.47 in recognition of our strong support for the continuing international assistance to the humanitarian needs of the Palestinian people. Australia is committed to improving the prospects of development for the Palestinian people and to alleviating poverty and hardship. For its part, for 2006-2007, Australia has allocated $A16.2 million, in humanitarian and development aid to the Palestinian people, to be provided through United Nations agencies and appropriate non-governmental organizations.

Australia is committed to a just, lasting and comprehensive solution to the Middle East conflict through a negotiated settlement between Israel and Palestinian representatives. Australia supports a two-State solution that recognizes the legitimate aspirations of the Palestinian people and Israel's right to live in peace within secure and recognized borders.

Consistent with this approach, Australia is disappointed that it was not possible to include in this resolution a clear call for Hamas to accept the Quartet principles. While the text welcomes the role of the temporary international mechanism, it would seem reasonable and correct to acknowledge that the temporary international mechanism is a direct result of the refusal by Hamas to accept the clear, unequivocal terms set by the Quartet and the international community for international support, namely, that it, as a Palestinian Government, renounce violence, recognize Israel and accept previous agreements negotiated by Palestinian representatives.

Australia, together with the rest of the international community, has always stood ready to support the peace process. We strongly urge both Israelis and Palestinians to work together and, with the support of the international community, to bring about a just, lasting and comprehensive peace.

Mr. Wenaweser (Liechtenstein): Throughout the negotiations on draft resolution A/61/L.45 adopted yesterday, which deals with the safety and security of humanitarian personnel, my delegation advocated the inclusion of an explicit reference to the Convention on the Safety of United Nations and Associated Personnel as well as to its Optional Protocol. The Protocol, adopted by consensus about a year ago, expands the scope of application of the Convention, and, taken together, these two instruments constitute the legal regime for the protection of United Nations personnel. We therefore fail to see any justification for the deletion of the reference to the Optional Protocol from the resolution, even more so since the only provision in question is favourable to host States.

Combating impunity is one of the most effective tools to prevent violence against humanitarian personnel and to increase the safety and security of relief workers in the field. The Rome Statute of the International Criminal Court criminalizes attacks against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians under the international law of armed conflict.

Nevertheless, this year's resolution takes a step backward by merely noting the work of the International Criminal Court, and not even acknowledging the Court's significance to the subject at hand.

We have also stressed, along with others, the need to reflect the fact that national and local aid workers are more often targeted by violence than are international personnel. This has been made clear by the most recent studies mentioned in the report of the Secretary-General. Unfortunately, a specific mention of this fact was not possible either. Here again, striving

for consensus has led to a text which insufficiently reflects the realities it purports to address.

We have joined consensus on this text because the safety and security of humanitarian personnel is a topic of utmost importance for both the United Nations and the millions of people suffering from humanitarian emergencies. While we value the importance of consensus, especially on a topic like the one at hand, we also believe that the principle of consensus can be reconciled with a text that does justice to the subject matter. We look forward to signing on to a text on this issue next year which fulfils both these criteria.

Ms. Banks (New Zealand): I wish briefly to explain New Zealand's position on draft resolution A/61/L.45, "Safety and security of humanitarian personnel and protection of United Nations personnel", which was adopted yesterday by consensus.

New Zealand continues to be a strong supporter of this resolution, and we therefore fully supported its adoption yesterday. We regret, however, that we were unable to co-sponsor this year. In one important respect, the resolution fell short of our expectations. The security and protection of the dedicated personnel who undertake peacekeeping, humanitarian and development activities for the United Nations around the world is a fundamental concern of all Member States.

New Zealand was very pleased in December last year with the adoption by consensus of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel. We consider that this was a significant achievement. As the Ambassador of Liechtenstein has noted, the Optional Protocol provides for a substantial extension in the scope of legal protection for United Nations and associated personnel. We believe, therefore, that it was necessary properly to reflect the Optional Protocol in this year's resolution, given Member States' support for it.

There were extensive efforts made by a number of delegations to find an acceptable means to refer to the Optional Protocol. It was disappointing to New Zealand, therefore, that consensus was blocked, as many delegations had shown flexibility. We look forward to the opportunity next year to work with Member States to ensure that proper references to both the Convention and the Optional Protocol are incorporated into the draft resolution.

Mr. Ustinov (Russian Federation) (*spoke in Russian*): The Russian delegation would like to make a short statement in explanation of vote after the voting to set forth our understanding of the term "gender-based violence", which is referred in the draft resolution that was adopted yesterday, contained in document A/61/L.46, entitled "Strengthening of the coordination of emergency humanitarian assistance of the United Nations".

We view the issue of gender-based violence strictly in the context of violence against women. In that connection, I should like to point out that the definition proposed by the Office for the Coordination of Humanitarian Affairs (OCHA) in its report A/61/85 and supported by a number of delegations contradicts the provisions contained in other United Nations documents, including documents of the Third Committee, the Commission on Human Rights and the Commission on the Status of Women.

The Russian delegation has consistently advocated, and continues to advocate and support, inter alia in the context of the implementation of resolution A/61/L.46, that there be a single definition in international legal documents of the concepts of sexual violence and gender-based violence. Thus the elaboration by OCHA of a new perspective on this issue, without the appropriate intergovernmental agreement, is unacceptable to us. Accordingly, we do not consider the recommendations contained in the report to be legally binding.

Mr. Gruetter (Switzerland): Switzerland would like to align itself with the explanation of vote made by the Principality of Liechtenstein on the resolution on safety and security of humanitarian personnel.

We regret that the final text of the resolution fails properly to reflect the importance of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel. That Convention, together with its Optional Protocol, constitute the legal regime for the protection of United Nations personnel. They should therefore be treated as a package. Regrettably, this year's resolution does not take that into account.

Mr. Mottaghi-Nejad (Islamic Republic of Iran): We voted in favour of draft resolution A/61/L.47 and of the draft resolutions contained in documents A/61/407 and A/61/408, under agenda items 31 and 32, respectively, on the United Nations Relief and Works

Agency for Palestine Refugees in the Near East (UNRWA) and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

By voting in favour of those resolutions, we have made clear that we share the international community's concern at the Palestinian people's pain and suffering caused by the occupying Power, the Israeli regime. The Islamic Republic of Iran believes that a durable peace in Palestine will be possible only through justice, an end to discrimination, an end to the occupation of all Palestinian territories, the return of all Palestinian refugees, resort to democratic means to determine the wishes of the people, and the establishment of a democratic Palestinian State, with Al-Quds Al-Sharif as its capital.

I request that this explanation of vote be reflected in the records of this meeting.

Ms. Hulan (Canada): I take the floor this evening in explanation of Canada's vote on draft resolution A/61/L.47, "Assistance to the Palestinian people".

Canada remains deeply committed to supporting the Palestinian people and will continue to respond to their humanitarian needs, namely through our contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and to other United Nations agencies. Those needs have been amplified by the dramatic worsening of the security and humanitarian situation in the Palestinian territories. Canada therefore continues to support this resolution.

Canada makes an important distinction between assistance to the Palestinian Authority and assistance to the Palestinian people. We are concerned by the fact that this resolution does not include an explicit reference to the Quartet principles of non-violence, recognition of Israel and acceptance of previous agreements and obligations, including the Road Map for peace. A clear commitment by the Palestinian Government to those principles is essential.

Nevertheless, working with our partners and through the United Nations, its agencies and other organizations, Canada will continue to support and respond to the humanitarian needs of the Palestinian people.

The President: We have heard the last speaker in explanation of vote or position.

May I take it that it is the wish of the General Assembly to conclude its consideration of sub-items (a) and (d) of agenda item 69?

It was so decided.

The President: The General Assembly has thus concluded this stage of its consideration of agenda item 69.

Agenda item 105 (*continued*)

Elections to fill vacancies in subsidiary organs and other elections

(a) Election of seven members of the Committee for Programme and Coordination

Note by the Secretary-General (A/61/227/Add.1)

The President: Pursuant to General Assembly decision 42/450 of 17 December 1987, and upon the nomination by the Economic and Social Council, the Assembly elects the members of the Committee for Programme and Coordination.

Members will recall that, at its 54th plenary meeting, held on 16 November 2006, the General Assembly elected the Comoros, Haiti, the Russian Federation, the Bolivarian Republic of Venezuela and Zimbabwe as members of the Committee for a three-year term of office beginning on 1 January 2007. Members will also recall that there remained two vacancies to be filled, from among the Western European and other States.

In that connection, the Assembly has before it a note by the Secretary-General contained in document A/61/227/Add.1. As indicated in that document, the Economic and Social Council has nominated France to fill one of the two remaining vacancies from among the Western European and other States for a three-year term of office beginning on 1 January 2007.

In accordance with rule 92 of the rules of procedure of the General Assembly, all elections should be held by secret ballot and there shall be no nominations. However, I should like to recall paragraph 16 of General Assembly decision 34/401, whereby the practice of dispensing with secret ballots for elections to subsidiary organs when the number of candidates corresponds to the number of seats to be

filled should become standard, unless a delegation specifically requests a vote on a given election.

In the absence of such a request, may I take it that the Assembly decides to proceed to the election on the basis of dispensing with the secret ballot?

It was so decided.

The President: May I therefore take it that the Assembly wishes to declare France elected a member of the Committee for Programme and Coordination for a three-year term of office beginning on 1 January 2007?

It was so decided.

The President: I congratulate France on its election as a member of the Committee for Programme and Coordination.

Regarding the remaining vacancy from among the Western European and other States, the General Assembly will be in a position to act on it upon the nomination by the Economic and Social Council of a Member State from that region.

We have thus concluded this stage of our consideration of sub-item (a) of agenda item 105.

Agenda item 106 (*continued*)

Appointments to fill vacancies in subsidiary organs and other appointments

(f) Appointment of members of the Committee on Conferences

The President: Members will recall that, at its 54th plenary meeting, on 16 November 2006, the General Assembly took note of the appointment by its President of Germany, Grenada, Honduras, Nigeria, Senegal and the Syrian Arab Republic as members of the Committee on Conferences for a period of three years beginning on 1 January 2007. Members will further recall that there remained one seat to be filled, from among the Eastern European States.

After consultations with the Chairman of the Group of Eastern European States, I have appointed Belarus as a member of the Committee on Conferences for a period of three years beginning on 1 January 2007. May I take it that the Assembly takes note of that appointment?

It was so decided.

The President: The General Assembly has thus concluded its consideration of sub-item (f) of agenda item 106.

(g) Appointment of the members of the Consultative Committee of the United Nations Development Fund for Women

The President: The term of office of the present five members of the Consultative Committee of the United Nations Development Fund for Women, appointed under General Assembly decision 58/416 of 17 December 2003, expires on 31 December 2006.

Following consultations, I have appointed Estonia, Jordan, Mexico, Norway and the Sudan as members of the Consultative Committee for a three-year term of office beginning on 1 January 2007.

May I consider that the General Assembly takes note of these appointments?

It was so decided.

The President: The General Assembly has thus concluded its consideration of sub-item (g) of agenda item 106.

The meeting rose at 6.15 p.m.